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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,780	10/16/2000	Gerald R. Koefeldt	RPC0456PUS	1559

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,780

Applicant(s)

KOEFELDA ET AL.

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-19 and 21-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19, 21-28, 30-35, 44-47 and 49-57 is/are allowed.
- 6) ☒ Claim(s) 1-7, 29 and 37-43 is/are rejected.
- 7) ☒ Claim(s) 8, 36 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the fourth office action for U.S. Application 09/688,780 for a Shipping Pod filed by Gerald R. Koefeldt on October 16, 2000. Claims 9-11 and 20 have been canceled.

Claim Objections

Claims 1 and 48 are objected to because of the following informalities: Line 10 of claim 1, the word - -an - - should be inserted before "exterior". Line 10 of claim 48, the word - -an - - should be inserted before "exterior". Appropriate correction is required.

Allowable Subject Matter

Claims 12-19, 21-28, 30-35, 44-57 are allowed. Claims 8 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is an examiner's statement of reasons for allowance of claims 19, 21, 28, and 49-57: The prior art does not disclose a shipping pod with a top wall with an opening through which an attachment member extends; a perimeter wall with interior and exterior surfaces, extending downwardly from the top wall; and one of the following: an outer perimeter wall spaced outwardly away from the exterior surface of the perimeter wall with an uppermost portion below a plane at least substantially defined by an uppermost portion of the perimeter wall; or an outer perimeter wall extending

Art Unit: 3632

outwardly from the exterior surface of the perimeter wall and then substantially vertical, the outer perimeter wall spaced away from the exterior surface of the perimeter wall.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5, 7, 37, 38, 42, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,199,487 B1 to Coddington. Coddington discloses a rectangular-shaped shipping pod with a top wall (5) for mating to the bottom surface of a

Art Unit: 3632

large object. The top wall has at least one elongated opening (9) through which an attachment member can be extended for attaching the pod to a large object and through which the attachment member is movable within to provide selective positioning of the pod relative to the object. A perimeter wall extends downwardly from the top wall (17 and the portions between extending down from 5) and the perimeter wall has an interior and exterior surface. The interior of the shipping pod nests proximate to the exterior surface of a second adjacent shipping pod in a stacked orientation (see fig. 13) and the perimeter wall is sized to extend beyond the outside perimeter of the large object (depends on the size of the object).

Claim Rejections - 35 USC § 103

Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coddington in view of Nishitani et al. Coddington does not disclose a shipping pod with an anti-slip member for contacting the bottom surface of a large object. Nor does Coddington disclose an undersurface with a plurality of ribs. Nishitani et al. discloses the use of grommets as a "common anti-slip measure". (see figures 20-25). Nishitani et al. also discloses a platform with an undersurface having a plurality of ribs (5). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an anti-slip means such as grommets in the openings taught by Coddington, as taught by Nishitani et al, for the purpose of securing the object being supported. It would also have been obvious to place ribs underneath the top wall taught

by Paulsen, as taught by Nishitani et al., for the purpose of providing reinforcement for the top wall.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coddington in view of U.S. Patent 6,234,088 B1 to Bredal et al. Coddington does not disclose perimeter walls that extend outward, as well as downward from the top wall. Bredal discloses a pallet with supporting legs that extend downward and outward from a top wall for stabilizing the pallet. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have flared the downward extending perimeter wall taught by Coddington outwards, as taught by Bredal et al., for the purpose of stabilizing the structure.

Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coddington in view of Grieser et al. Coddington does not disclose a plurality of ribs extending outwardly from the exterior surface of the perimeter wall and connecting to the bottom wall that extends outwardly from it. Grieser et al. discloses a foot for supporting a large object (12) with an opening (46) for receiving an attachment member (48) extending from the object. The foot has a perimeter wall (52, 54, 56, 58) and a bottom wall (24) parallel to the top surface, with a plurality of ribs (34 and 36) extending outwardly from the exterior surface of the perimeter wall and connecting to the bottom wall for strengthening the connection. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a bottom wall on at on the lower perimeter wall of the pod taught by Coddington, as taught by Grieser et al., for the purpose of stabilizing the pod. It also would have been obvious to have provided

Art Unit: 3632

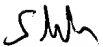
a plurality of ribs between the perimeter wall and bottom wall taught by Coddington in view of Grieser et al., as taught by Grieser et al., for the purpose of strengthening the connection between the walls.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 29, and 37-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven M. Marsh

January 23, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER